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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

In re I.Z., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

I.Z.,

Defendant and Appellant.

A146272

(Contra Costa County
Super. Ct. No. J1300631)

Appellant Isaiah Z. appeals from an order finding him in violation of the terms of his probation and from a dispositional order committing him to the Division of Juvenile Justice (DJJ). Appellant's appointed appellate counsel filed a brief asking this court to conduct an independent review of the record under *People v. Wende* (1979) 25 Cal.3d 436. Counsel informed appellant of his right to file a supplemental brief, but appellant did not avail himself of that right. We have reviewed the record, find no issues that require briefing, and therefore affirm.

I. BACKGROUND

By a petition under section 602 of the Welfare and Institutions Code¹ in May

¹ All unspecified statutory references are to the Welfare and Institutions Code.

2013, appellant was charged with two counts of residential burglary, respectively first and second degree. Pursuant to a negotiated disposition, he admitted the second degree burglary charge, and the first degree burglary charge was dismissed. He was declared a ward of the court on June 11, 2013, given probation and placed in the Orin Allen Youth Reformation Program, the Contra Costa ranch program for juvenile wards.

In April 2014, a second section 602 petition against appellant was filed, this time charging him with second degree robbery and assault by means of force likely to produce great bodily injury. After both counts were sustained, appellant was given another out-of-home placement and committed to the Rites of Passage program in July 2014. In August 2014, a violation of probation petition was filed, alleging appellant left the Rites of Passage program without permission and violated its rules of conduct. In November 2014, appellant admitted as true the allegations in an amended petition. Appellant was given another out-of-home placement, in the Courage to Change program (Courage to Change), and advised that would be his last chance at such a program.

Another violation of probation petition was filed in January 2015 alleging that appellant had assaulted another minor at Courage to Change and had been found in possession of stolen documents. After sustaining these allegations, in March 2015 the court committed appellant to the Bar-O Boys Ranch. That placement failed, however, when the Bar-O Ranch refused to accept appellant. The probation department then filed a section 778 petition seeking to modify the March 2015 disposition, which the court granted, committing appellant to the Youth Offender Treatment Program (YOTP) at the Contra Costa Juvenile Hall.

Appellant filed a notice of appeal from the dispositional order committing him to YOTP. During the pendency of that appeal and while he was in the YOTP program, yet another violation of probation petition against appellant was filed in May 2015, this one alleging that he had been found with gang emblems and signs while at YOTP. Additional allegations that appellant had assaulted another minor at YOTP were filed by probation violation petition in June 2015.

At a contested hearing on June 22, 2015, the gang emblem and insignia charges were withdrawn, but the assault allegations were found to be true. The evidence adduced at the hearing included the testimony of the teacher in whose class the alleged assault took place, and a video recording of the assault itself.

After finding a probation violation based on the YOTP classroom assault, the juvenile court put the matter over for disposition, and ordered the preparation of a psychological assessment. A contested dispositional hearing was held on August 13, 2015, at which the court heard testimony and reviewed a psychological report by Dr. Douglas Quinn, a mental health probation specialist. Dr. Quinn testified that appellant reported paranoia and seeing his future in dreams, which was symptomatic of past traumatic experiences and some level of psychosis. Dr. Quinn also observed behaviors by I.Z. that were indicative of auditory hallucinations. He opined, however, that appellant suffered from possible mood and conduct disorders that could be treated with counseling.

Appellant's mother testified that "he's not well psychologically" and he "says that he doesn't want to live anymore." She asked that appellant be afforded psychiatric counseling. Appellant's counsel argued that committing appellant to DJJ would only lead to his becoming entrenched in the gang lifestyle and that since that his mental issues were probably the root of his problems, a high-level mental facility tailored to minors would be the best placement for him. According to appellant's counsel, such a facility would be secure enough to address public safety concerns. In the alternative, counsel asked that the court defer decision on the matter and ordered further psychological testing so that the best placement decision could be made.

Appellant's probation officer recommended in his report that appellant be committed to DJJ as the best way to address his gang involvement and anger issues. The report noted that earlier less restrictive placements at OAYRP, Courage to Change, and YOTP had been unsuccessful because of appellant's refusal to comply with program rules. Appellant had told the probation officer he would not return to YOTP, and instead wanted to be released so that he could enter the Job Corps Program. The officer testified

he had not considered appellant for a high-level mental health facility, because appellant needed a completely secured facility in light of his aggression towards other minors and his ongoing gang activities.

The court found that appellant was malingering, and had made up stories in the past about hearing voices. The court also found that, while appellant may well have some mental health issues, he was mentally competent and did not belong in a mental health placement. While expressing concern about minors coming back from DJJ more hardened than when they entered, the court concluded there was no other viable alternative for appellant, given his history. Appellant had not done well in any previous placements and “had problems everywhere,” the court found. The court further found that appellant would not participate in the YOTP program, and that it had to take into account the threat appellant posed to other minors and staff at that facility. Since a mental health program was not appropriate for appellant, the court concluded DJJ was the only remaining option.

The court committed appellant to DJJ for a seven year maximum term. After application of custody credits of 613 days, appellant was left with a remaining custodial term of five years, three months and 22 days. He filed a timely notice of appeal, specifying as the subject of his appeal (1) the order of June 22, 2015 finding the YOTP classroom assault to be a probation violation and (2) the August 13, 2015 dispositional order.

II. DISCUSSION

Upon our independent review of the record, we find no issues that warrant further briefing. We conclude that substantial evidence supports the finding of a probation violation and that the juvenile court’s chosen disposition was not an abuse of discretion.

III. DISPOSITION

The juvenile court’s June 22, 2015 probation violation finding and August 13, 2015 dispositional order are affirmed.

Streeter, J.

We concur:

Reardon, Acting P.J.

Rivera, J.

A146272/*In re I.Z.*